

AMENDED IN ASSEMBLY AUGUST 7, 2014
AMENDED IN ASSEMBLY SEPTEMBER 4, 2013
AMENDED IN ASSEMBLY AUGUST 26, 2013
AMENDED IN ASSEMBLY JULY 1, 2013
AMENDED IN ASSEMBLY JUNE 19, 2013
AMENDED IN SENATE MAY 29, 2013
AMENDED IN SENATE MAY 9, 2013
AMENDED IN SENATE APRIL 9, 2013

SENATE BILL

No. 556

Introduced by Senator ~~Corbett~~ Padilla

February 22, 2013

An act to add Title 18 (commencing with Section 3273) to Part 4 of Division 3 of the Civil Code, relating to agency.

LEGISLATIVE COUNSEL'S DIGEST

SB 556, as amended, ~~Corbett~~ Padilla. Agency: ostensible: nongovernmental entities.

Existing law specifies the authority of agents in dealing with 3rd persons. Existing law states when an agency is ostensible for purposes of determining the authority of an agent. Existing law prohibits unfair methods of competition and unfair or deceptive acts or practices undertaken by a person in a transaction intended to result or which results in the sale or lease of goods to any consumer.

This bill would prohibit, *for all contracts for labor or services entered into on or after January 1, 2015*, a person, firm, corporation, or

association that is a nongovernmental entity and contracts to perform labor or services relating to public health or safety for a public entity from displaying on a vehicle or uniform a logo, as defined, that reasonably could be interpreted as implying that the labor or services are being provided by employees of the public agency, unless the vehicle or uniform conspicuously displays ~~a disclosure, as specified.~~ *specific disclosures.* *The bill would prohibit a public agency from requiring a person or employee of a nongovernmental agency providing public health or safety services under contract with the public agency to wear a badge containing the logo of the public agency. The bill would prohibit a nongovernmental agency providing public health or safety services under contract with a public agency from requiring a person or its employee to wear a badge containing the logo of the public agency.*

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Title 18 (commencing with Section 3273) is
2 added to Part 4 of Division 3 of the Civil Code, to read:

3
4 TITLE 18. CONTRACTS FOR LABOR OR SERVICES FOR
5 A PUBLIC AGENCY
6

7 3273. (a) It is unlawful for a person, firm, corporation, or
8 association that is a nongovernmental entity and contracts to
9 perform labor or services relating to public health or safety for a
10 public agency to display on a vehicle a logo of the public agency
11 that reasonably could be interpreted or construed as implying that
12 the labor or services are being provided by employees of the public
13 agency, unless the vehicle conspicuously displays ~~one of the~~
14 ~~following disclosures:~~ *a statement indicating that the contractor*
15 *is the service provider, contractor, or other appropriate descriptor,*
16 *such as "SERVICE PROVIDED BY:" or "CONTRACTED BY:",*
17 *immediately followed by all of the following:*

18 ~~(1) A statement indicating that the contractor is the service~~
19 ~~provider, contractor, or other appropriate descriptor, such as~~
20 ~~"SERVICE PROVIDED BY:" or "CONTRACTED BY:",~~
21 ~~immediately followed by all of the following:~~

22 (A)

1 (1) The *logo and the* name of the person, firm, corporation, or
2 association that is the subcontracted nongovernmental entity
3 providing the labor or services for the public agency.

4 ~~(B) The state or federal tax designation of that person, firm,~~
5 ~~corporation, or association.~~

6 ~~(C)~~

7 (2) The ~~city,~~ state, or if outside of the United States, the country
8 where the nongovernmental entity's controlling person, firm,
9 corporation, or association is legally incorporated, organized, or
10 formed.

11 ~~(2) A statement indicating that the contractor is the service~~
12 ~~provider, contractor, or other appropriate descriptor, such as~~
13 ~~"SERVICE PROVIDED BY:" or "CONTRACTED BY:"~~,
14 ~~immediately followed by the logo of the person, firm, corporation,~~
15 ~~or association that is the subcontracted nongovernmental entity~~
16 ~~providing the labor or services for a public agency.~~

17 (b) It is unlawful for a person or an employee of a person, firm,
18 corporation, or association that is a nongovernmental entity and
19 contracts to perform labor or services relating to public health or
20 safety for a public agency to wear a uniform bearing a logo of the
21 public agency ~~that together with the appearance of the uniform~~
22 ~~reasonably could be interpreted or construed as implying that the~~
23 ~~labor or services are being provided by employees of the public~~
24 ~~agency, unless the uniform conspicuously displays one of the~~
25 ~~following disclosures: the logo and the name of the person, firm,~~
26 ~~corporation, or association that is the subcontracted~~
27 ~~nongovernmental entity providing the labor or services for the~~
28 ~~public agency.~~

29 ~~(1) A statement indicating that the contractor is the service~~
30 ~~provider, contractor, or other appropriate descriptor, such as~~
31 ~~"SERVICE PROVIDED BY:" or "CONTRACTED BY:"~~,
32 ~~immediately followed by all of the following:~~

33 ~~(A) The name of the person, firm, corporation, or association~~
34 ~~that is the subcontracted nongovernmental entity providing the~~
35 ~~labor or services for the public agency.~~

36 ~~(B) The state or federal tax designation of that person, firm,~~
37 ~~corporation, or association.~~

38 ~~(C) The city, state, or if outside of the United States, the country~~
39 ~~where the nongovernmental entity's controlling person, firm,~~

1 corporation, or association is legally incorporated, organized, or
2 formed.

3 ~~(2) A statement indicating that the contractor is the service~~
4 ~~provider, contractor, or other appropriate descriptor, such as~~
5 ~~“SERVICE PROVIDED BY:” or “CONTRACTED BY:”,~~
6 ~~immediately followed by the logo of the person, firm, corporation,~~
7 ~~or association that is the subcontracted nongovernmental entity~~
8 ~~providing the labor or services for a public agency.~~

9 *(c) The disclosures required pursuant to subdivisions (a) and*
10 *(b) shall apply to all contracts for labor or services entered into*
11 *on or after January 1, 2015.*

12 *(d) (1) It is unlawful for a public agency to require, through a*
13 *contract with a person, firm, corporation, or association that is a*
14 *nongovernmental entity providing public health or safety services,*
15 *a person or employee of the nongovernmental agency to wear a*
16 *badge containing the logo of the public agency.*

17 *(2) It is unlawful for a person, firm, corporation, or association*
18 *that is a nongovernmental entity contracting to perform labor or*
19 *services relating to public health or safety for a public agency, to*
20 *require a person or its employee to wear a badge containing the*
21 *logo of the public agency.*

22 ~~(e)~~
23 *(e) For the purposes of subdivision (b), an identifying mark*
24 *affixed to a uniform as required by state or federal law, and a local*
25 *agency regulating the activity of the person, firm, corporation, or*
26 *association shall not be construed as implying that the labor or*
27 *services are being provided by employees of the public agency.*

28 ~~(d)~~
29 *(f) If a vehicle or uniform displays more than one logo referring*
30 *to the public agency, then the required disclosure shall be placed*
31 *near the largest logo referring to the public agency.*

32 ~~(e)~~
33 *(g) The disclosure requirements in subdivisions (a) and (b) of*
34 *this section shall not apply to uniforms or vehicles if the person,*
35 *firm, corporation, or association that is the subcontracted*
36 *nongovernmental entity is providing the labor or services for a*
37 *public agency under Article 3.3 (commencing with Section 2430)*
38 *of Chapter 2 of Division 2 of the Vehicle Code.*

39 ~~(f)~~

1 (h) (1) Violations of this section shall be subject to the remedies
2 provided in the Consumers Legal Remedies Act (Title 1.5
3 (commencing with Section 1750)).

4 (2) The duties, rights, and remedies provided in this section are
5 in addition to any other duties, rights, and remedies provided by
6 state law.

7 ~~(g)~~

8 (i) For the purposes of this section, the following terms have
9 the following meanings:

10 (1) “Conspicuously ~~display~~” *displays*” means to display a
11 disclosure ~~that is at least the same size as and located close to the~~
12 ~~logo referring to the public agency.~~ *on the exterior of a vehicle or*
13 *uniform in the same location as the logo of the public agency,*
14 *placed prominently as compared with other words, statements, or*
15 *designs displayed in connection with the logo of the public agency.*
16 *With respect to a uniform, “in the same location” includes, but is*
17 *not limited to, a location on the opposing shoulder, pocket, or*
18 *similar opposing location relative to the location of the logo of*
19 *the public agency.*

20 (2) “Logo” means a symbol, graphic, seal, emblem, insignia,
21 trade name, brand name, picture, or text identifying a person, firm,
22 corporation, association, or public agency.